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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,914	07/15/2003	Mark M. Leather	0007057-0034	7164

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EXAMINER

RICHER, AARON M

ART UNIT PAPER NUMBER

2676

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/619,914

Applicant(s)

LEATHER ET AL.

Examiner

Aaron M. Richer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12-9-05

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Current practice regarding 35 U.S.C. 101 is that an invention must give a “useful, tangible” result to be statutory. In this case, a conversion between color spaces without affecting a physical transformation (such as that which would take place during storing in memory) or presenting a display does not give a tangible result. It is suggested that applicant amend claims 1 and 14 to either store the resulting pixel samples in memory after conversion or display the resulting pixel samples after conversion.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 6, 10, 12-15, 19, 23, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Alcorn (U.S. Patent 5,012,163).
5. As to claims 1 and 14, Alcorn discloses a system for performing transform operations comprising:

a first conversion block for receiving a pixel sample and for converting said pixel sample from a gamma space to a linear space (fig. 1, element 40; col. 4, lines 29-47);

a transform function block coupled to said first conversion block for transforming said pixel sample into an output pixel sample (fig. 1, elements 60 and 70; col. 4, lines 48-68; linear data is combined with the data that has just been converted to linear space, this reads on a transform);

a second conversion block coupled to said transform function block for converting said output pixel sample from said linear space to said gamma space (fig. 1, element 80; col. 4, line 65-col. 5, line 15).

6. As to claims 2 and 15, Alcorn discloses a system wherein said first conversion block comprises a degamma filter (fig. 1, element 40; col. 4, lines 29-47).

7. As to claims 6 and 19, Alcorn discloses a system wherein said second conversion block is a gamma correction filter (fig. 1, element 80; col. 4, line 65-col. 5, line 15).

8. As to claims 10 and 23, Alcorn discloses a system wherein a transform function block is an antialiasing filter (col. 2, line 53-col. 3, line 8; an antialiasing filter is given as a clear reason for conversion to linear values).

9. As to claims 12 and 25, Alcorn discloses a system wherein said transform function block executes a blend function (fig. 1, elements 60 and 70; col. 4, lines 48-68; linear data is combined with the data that has just been converted to linear space, this reads on a blend).

10. As to claim 13, Alcorn discloses a system further including a plurality of first conversion blocks for receiving a plurality of pixel samples and for converting said plurality of pixel samples from gamma space to linear space (fig. 1, multiple degamma correction blocks exist).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 3-5, 7-9, 16-18, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alcorn in view of de Haan (U.S. Patent 5,057,919).

14. As to claims 3, 4, 16, and 17, Alcorn does not disclose a system wherein said degamma filter implements a function  $x^\gamma$  where  $x$  is the sample value. De Haan, however discloses gamma filters that use this function, culling the result from a lookup

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table (fig. 2-3; col. 6, lines 20-55). The motivation for the addition of these gamma correction functions is to reduce flickering and produce a more accurate picture (col. 2, lines 1-21). It would have been obvious to one skilled in the art to modify Alcorn to use an  $x^\gamma$  function for correction in order to produce a more accurate picture as taught by de Haan.

15. As to claims 5 and 18, Alcorn discloses wherein the number of bits of output of said degamma filter is greater than the number of bits of input (col. 4, lines 61-65).

16. As to claims 7, 8, 20, and 21, Alcorn does not disclose a system wherein said gamma correction filter implements a function  $x^{(1/\gamma)}$  where  $x$  is the output pixel value. De Haan, however discloses degamma filters that use this function, culling the result from a lookup table (fig. 2-3; col. 6, lines 20-55). The motivation for the addition of these degamma correction functions is to reduce flickering and produce a more accurate picture (col. 2, lines 1-21). It would have been obvious to one skilled in the art to modify Alcorn to use an  $x^{(1/\gamma)}$  function for correction in order to produce a more accurate picture as taught by de Haan.

17. As to claims 9 and 22, Alcorn discloses a system wherein said gamma correction filter provides an output of fewer bits than the input to said gamma correction filter (col. 5, lines 1-7).

18. Claims 11 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alcorn in view of Paul (U.S. Patent 6,384,839).

19. As to claims 11 and 24, Alcorn does not disclose a system wherein said antialiasing filter is implemented as a sum and divide operation. Paul, however,

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discloses an antialiasing method combined with gamma correction that averages a pixel neighborhood i.e. sums and divides (col. 2, lines 14-22; col. 4, lines 47-col. 5, line 16).

The motivation for this is to smooth an image (col. 1, line 60-col. 2, line 12). It would have been obvious to one skilled in the art to modify Alcorn to implement antialiasing as a sum and divide operation in order to smooth an image as taught by Paul.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Richer whose telephone number is (571) 272-7790. The examiner can normally be reached on weekdays from 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMR  
3/7/06



**Kee M. Tung**  
**Primary Examiner**